

WEDNESDAY, APRIL 29, 1981

FORTY-FIRST LEGISLATIVE DAY

The House met at 1:30 p.m. and was called to order by Mr. Speaker McWherter.

The proceedings were opened with prayer by Reverend Charles Murphy, First Presbyterian Church, Brownsville, Tennessee.

Representative Crain led the House in the Pledge of Allegiance to the Flag.

The roll call was taken with the following results:

Present 95

Representatives present were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robinson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—95.

The Speaker announced that Representative Frensley was excused because of illness.

The Speaker announced that Representative Stafford was excused because of illness.

STATEMENT BY MR. SMITH

Dear Mr. Speaker:

Please enter into the House Journal my votes on the legislation voted on Wednesday, April 22, 1981.

HB 21, Aye; HB 372, Aye; HB 1174, Aye; SB 301, Aye; HB 377, Aye; SB 929, Aye; SB 769, Amendment 1, No; SB 769, Amendment 2, No; SB 769, tabling motion, No; SB 769, tabling motion, No; SB 537, Aye; HB 928, Aye; HB 929, Aye; HB 930, Aye; HB 566, Aye, tabling motion; HB 556, Aye; HB 1108, Aye.

Loy L. Smith

CALENDAR

On motion of Ms. Gaia, House Bill No. 85 was withdrawn from the House.

Mr. Burnett moved that House Bill No. 446 be placed on the Calendar for Wednesday, May 6, 1981, which motion prevailed.

House Bill No. 180—To increase the maximum for student assistance.

On motion, House Bill No. 180 was made to conform with Senate Bill No. 47.

On motion, Senate Bill No. 47, on same subject, was substituted for House Bill No. 180.

Mr. Bragg moved that Senate Bill No. 47 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	94
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Work, Yelton and Mr. Speaker McWherter—94.

A motion to reconsider was tabled.

House Bill No. 721—To make certain provisions, domestic insurance companies.

On motion, House Bill No. 721 was made to conform with Senate Bill No. 446.

On motion, Senate Bill No. 446, on same subject, was substituted for House Bill No. 721.

Mr. Bragg moved that Senate Bill No. 446 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	89
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Wallace, Webb, Wheeler, Whitson, Withers, Wolfe, Work, Yelton and Mr. Speaker McWherter—89.

WEDNESDAY, APRIL 29, 1981—41st LEGISLATIVE DAY

A motion to reconsider was tabled.

Mr. Speaker McWherter relinquished the Chair to Mr. Brewer, Speaker pro tem.

House Bill No. 722—To make certain provisions, domestic insurance companies, bonds.

On motion, House Bill No. 722 was made to conform with Senate Bill No. 500.

On motion, Senate Bill No. 500, on same subject, was substituted for House Bill No. 722.

Mr. Bragg moved that Senate Bill No. 500 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	91
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shockley, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Work, Yelton and Mr. Speaker McWherter—91.

A motion to reconsider was tabled.

House Bill No. 799—To regulate public relations contracts.

On motion, House Bill No. 799 was made to conform with Senate Bill No. 994.

On motion, Senate Bill No. 994, on same subject, was substituted for House Bill No. 799.

Mr. Bragg moved that Senate Bill No. 994 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	86
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Lowe, McAfee, McKinney, McNally, Miller, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Stallings, Starnes, Sterling, Tanner, Turner, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Work, Yelton and Mr. Speaker McWherter—86.

A motion to reconsider was tabled.

Mr. Davis (Hamilton) moved that House Bill No. 839 be placed on the Calendar for Wednesday, May 6, 1981, which motion prevailed.

House Bill No. 744—To amend Sections 56-4-206, 56-4-207 and 50-1201, Code.

On motion, House Bill No. 744 was made to conform with Senate Bill No. 658.

On motion, Senate Bill No. 658, on same subject, was substituted for House Bill No. 744.

Mr. Moore moved that Senate Bill No. 658 be passed on third and final consideration.

Mr. Bragg moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 658 by inserting the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section—. Provided, however, that the surcharge of four-tenths of one percent (.4%) on the tax on workers' compensation insurance premiums levied by the provisions of this act shall not apply to any employer who employs seven (7) or less employees unless such employer is in the business of construction or manufacturing.

Mr. McKinney moved to amend Amendment No. 1 as follows:

AMENDMENT NO. 1 TO AMENDMENT NO. 1

Amend Amendment No. 1 by changing "7 seven" to "ten 10".

Mr. Moore moved that Amendment No. 1 to Amendment No. 1 be tabled, which motion failed by the following vote:

Ayes	28
Noes	53
Present and not voting	1

Representatives voting aye were: Akard, Bewley, Carter, Clark (Davidson), Davis (Hamilton), Duer, Duncan, Ellis, Harrill, Henry (Roane), Hudson, Hurley, Kent, King (Washington), McNally, Martin, Moore, Percy, Robertson, Robinson (Washington), Scruggs, Severance, Shockley, Smith, Starnes, Sterling, Webb and Yelton—28.

Representatives voting no were: Baker, Bell (Knox), Bell (Wilson), Bivens, Bragg, Brewer, Buck, Chiles, Clark (Sumner), Cobb, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Ford, Gaia, Hillis, Huskey, Jared, Johnson, Kelley Lashlee, Love, Lowe, McAfee, McKinney, Miller, Murphy (Davidson), Murray, Naifeh, Owen, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robinson (Davidson), Robinson (Hamilton), Small, Spence, Stallings, Tanner, Turner, Wallace, Wheeler, Whitson, Withers, Wix, Wolfe and Work—53.

Representative present and not voting was: Covington—1.

Mr. Rhinehart moved the previous question on the amendment, which motion prevailed.

On motion, Amendment No. 1 to Amendment No. 1 was adopted.

Thereupon, Amendment No. 1, as amended, was adopted.

Mr. Rhinehart moved to amend as follows:

AMENDMENT NO. 2

Amend Senate Bill No. 658 by adding the following new section immediately before the last section and renumbering the subsequent section accordingly:

Section—. Provided, however, the surcharge imposed by this act shall only apply to insurance companies writing workman's compensation insurance for manufacturers and construction.

On motion of Mr. Moore, Senate Bill No. 658 was moved down five places on today's Calendar.

House Bill No. 1032—To provide for installment, bonds of municipalities.

Mr. Davis (Pickett) moved that House Bill No. 1032 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	90
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Work, Yelton and Mr. Speaker McWherter—90.

A motion to reconsider was tabled.

On motion, Senate Bill No. 393 was recalled from the Committee on Finance, Ways and Means.

House Bill No. 864—To provide for recovery, certain tax payments.

On motion, House Bill No. 864 was made to conform with Senate Bill No. 393.

On motion, Senate Bill No. 393, on same subject, was substituted for House Bill No. 864.

Mr. Byrd moved that Senate Bill No. 393 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	90
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith,

WEDNESDAY, APRIL 29, 1981—41st LEGISLATIVE DAY

Spence, Stallings, Starnes, Sterling, Tanner, Turner, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Work, Yelton and Mr. Speaker McWherter—90.

A motion to reconsider was tabled.

Mr. Scruggs moved that House Bill No. 572 be placed on the Calendar for Wednesday, May 6, 1981, which motion prevailed.

House Bill No. 570—To provide for special census certain counties.

On motion, House Bill No. 570 was made to conform with Senate Bill No. 624.

On motion, Senate Bill No. 624, on same subject, was substituted for House Bill No. 570.

Mr. Scruggs moved that Senate Bill No. 624 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	88
Noes	0
Present and not voting	2

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duncan, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Wallace, Webb, Wheeler, Whitson, Withers, Wolfe, Work, Yelton and Mr. Speaker McWherter—88.

Representatives present and not voting were: Pickering and Wix—2.

A motion to reconsider was tabled.

FURTHER CONSIDERATION OF SENATE BILL NO. 658

Mr. Rhinehart moved that Amendment No. 2 be withdrawn, which motion prevailed.

Mr. Naifeh moved to amend as follows:

AMENDMENT NO. 3

Amend Senate Bill No. 658 by deleting the words where they appear “who employs ten (10) or” and substituting instead the words “who employs fifteen (15) or”

Mr. Moore moved that Amendment No. 3 be tabled, which motion prevailed by the following vote:

Ayes	57
Noes	26

Representatives voting aye were: Akard, Bell (Knox), Bell (Wilson), Bewley, Bragg, Buck, Byrd, Carter, Clark (Davidson), Clark (Sumner), Cobb, Covington, Davidson, Davis (Hamilton), DeBerry, DePriest, Disspayne, Duer, Duncan, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hudson, Hurley, Huskey, Kent, Kernell, King (Shelby),

WEDNESDAY, APRIL 29, 1981—41st LEGISLATIVE DAY

McAfee, McNally, Martin, Moore, Murray, Percy, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shockley, Smith, Spence, Starnes, Sterling, Turner, Webb, Whitson, Withers, Wix and Yelton—57.

Representatives voting no were: Baker, Bivens, Chiles, Davis (Gibson), Dills, Hillis, Jared, Johnson, Jones, Kelley, King (Washington), Lashlee, Lowe, McKinney, Miller, Naifeh, Owen, Phillips, Richardson, Robinson (Hamilton), Stallings, Tanner, Wallace, Wheeler, Wolfe and Work—26.

Mr. Byrd moved the previous question, which motion prevailed.

Thereupon, Senate Bill No. 658, as amended, passed its third and final consideration by the following vote:

Ayes	82
Noes	8

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Davidson, Davis (Gibson), Davis (Hamilton), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kent, Kernell, King (Shelby), King (Washington), Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Moore, Murphy (Davidson), Murray, Owen, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Smith, Spence, Stallings, Starnes, Sterling, Turner, Ussery, Webb, Wheeler, Whitson, Wix, Work, Yelton and Mr. Speaker McWherter—82.

Representatives voting no were: Davis (Pickett), Kelley, Lashlee, Naifeh, Small, Tanner, Wallace and Wolfe—8.

A motion to reconsider was tabled.

House Bill No. 971—To require open records, Performing Arts Center.

Mr. Burnett moved that House Bill No. 971 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	90
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Work, Yelton and Mr. Speaker McWherter—90.

A motion to reconsider was tabled.

House Bill No. 970—To require Performing Arts Center to comply, Public Meetings Law.

WEDNESDAY, APRIL 29, 1981—41st LEGISLATIVE DAY

Mr. Burnett moved that House Bill No. 970 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	89
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Gaia, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Work, Yelton and Mr. Speaker McWherter—89.

A motion to reconsider was tabled.

House Bill No. 957—To make certain provisions, state surplus property.

On motion, House Bill No. 957 was made to conform with Senate Bill No. 566.

On motion, Senate Bill No. 566, on same subject, was substituted for House Bill No. 957.

Mr. Burnett moved that Senate Bill No. 566 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	90
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Work, Yelton and Mr. Speaker McWherter—90.

A motion to reconsider was tabled.

House Bill No. 963—To make provisions, certain payroll deductions.

Mr. Burnett moved that House Bill No. 963 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	68
Noes	20
Present and not voting	3

Representatives voting aye were: Akard, Bell (Wilson), Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Clark (Davidson), Cobb, Covington, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duncan, Ellis, Gaia, Gill,

WEDNESDAY, APRIL 29, 1981—41st LEGISLATIVE DAY

Harrill, Henry (Blount), Henry (Roane), Hillis, Hurley, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), Lashlee, Love, Lowe, McKinney, McNally, Miller, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pruitt, Rhinehart, Richardson, Robinson (Davidson), Robinson (Hamilton), Severance, Shirley, Shockley, Spence, Stallings, Starnes, Tanner, Turner, Wallace, Wheeler, Whitson, Withers, Wix, Work, Yelton and Mr. Speaker McWherter—68.

Representatives voting no were: Baker, Bell (Knox), Bewley, Carter, Chiles, Clark (Sumner), Ford, Hudson, Huskey, King (Washington), McAfee, Martin, Robertson, Robinson (Washington), Scruggs, Small, Smith, Sterling Webb and Wolfe—20.

Representatives present and not voting were: Duer, Moore and Pickering—3.

A motion to reconsider was tabled.

House Bill No. 1181—To authorize tax on gross receipts, certain restaurants.

Mr. Gill moved that House Bill No. 1181 be passed on third and final consideration.

Mr. Jones moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 1181 by adding a new section immediately prior to the effective date section and renumbering such section accordingly:

SECTION—. The provisions of this act shall apply only to establishments with gross receipts in excess of five hundred thousand dollars (\$500,000) per year.

Mr. Martin moved that Amendment No. 1 be tabled, which motion prevailed by the following vote:

Ayes	66
Noes	14
Present and not voting	3

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Buck, Byrd, Carter, Clark (Davidson), Cobb, Covington, Davidson, Davis (Gibson), Davis (Pickett), DePriest, Dills, Disspayne, Duer, Ellis, Ford, Gaia, Harrill, Henry (Roane), Hillis, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Washington), Lashlee, Lowe, McAfee, McKinney, McNally, Martin, Miller, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Washington), Scruggs, Severance, Shockley, Smith, Stallings, Starnes, Sterling, Tanner, Wallace, Webb, Wheeler, Whitson and Yelton—66.

Representatives voting no were: Brewer, Chiles, DeBerry, Jones, Pruitt, Robinson (Hamilton), Shirley, Small, Spence, Turner, Withers, Wix, Wolfe and Work—14.

Representatives present and not voting were: Clark (Sumner), Duncan and Hudson—3.

Mr. Miller moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 1181 by inserting the following as a new section to be appropriately numbered immediately preceding the effective date section, renumbering the effective date section accordingly;

WEDNESDAY, APRIL 29, 1981—41st LEGISLATIVE DAY

SECTION . This act shall only apply to any county having a population in excess of six hundred thousand (600,000) according to the 1970 federal census of population or any subsequent federal census.

On motion, the amendment was adopted.

Mr. Miller moved to amend as follows:

AMENDMENT NO. 3

Amend House Bill No. 1181 by adding the following language at the end of the amendatory language of the new section added by Amendment No. 2:

; and to any county having a population of not less than twenty-eight thousand two hundred (28,200) nor more than twenty-eight thousand three hundred (28,300) according to the 1970 federal census of population or any subsequent federal census in which a premiere tourist resort city as defined in Tennessee Code Annotated, Section 67-3047 is located

AND FURTHER AMEND by inserting the following as a new section immediately after Section 8 to be designated as Section 9, and renumbering subsequent sections accordingly:

SECTION 9. Notwithstanding the foregoing, in a county in which a premiere tourist resort city as defined in Tennessee Code Annotated, Section 67-3047 is located, funds collected from restaurants, cafes, cafeterias and other similar establishments located in such city shall be remitted by the county to said city after deducting a two per cent (2%) administrative charge and such funds shall be appropriated and spent by the city for purposes consistent with this Act.

On motion, the amendment was adopted.

Mr. Martin moved to amend as follows:

AMENDMENT NO. 4

Amend House Bill No. 1181 by deleting Section 6 of the Amendatory Language in its entirety and by renumbering Sections 7 and 8 as Sections 6 and 7.

Further amend by new Section to be Section 8 to read as follows:

SECTION 8. The taxes collected under this act shall be deposited to the general fund of the levying authority. The Commission as established in the renumbered Section 6 shall submit its budget for the promotion, advertisement, operation and maintenance of publicly owned tourist attractions and convention facilities within the service area, to the Chief Executive Officers and the Local Legislative Bodies of the appointing authority for their approval and said budget shall be funded out of the tax levied herein. All funds collected under this act which are not required to fund said Commission's budget shall be used, subject to the approval of the appointing authority of said Commission, to fund such projects and programs as would be reasonably deemed to promote and support tourism and conventions.

On motion, the amendment was adopted.

Mr. Gill moved to amend as follows:

AMENDMENT NO. 5

Amend House Bill No. 1181 by adding a new section, as follows, to be numbered

appropriately, immediately before the effective date section, and renumbering the effective date section accordingly:

Section—. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared severable.

On motion, the amendment was adopted.

Mr. Clark (Davidson) moved to amend as follows:

AMENDMENT NO. 6

Amend House Bill No. 1181 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section—. The provisions of this act shall not apply in any county having metropolitan form of government.

On motion, the amendment was adopted.

Thereupon, House Bill No. 1181, as amended, passed its third and final consideration by the following vote:

Ayes	78
Noes	10
Present and not voting	2

Representatives voting aye were: Akard, Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Clark (Davidson), Clark (Sumner), Cobb, Covington, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shockley, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Webb, Wheeler, Whitson, Withers, Wix, Work, Yelton and Mr. Speaker McWherter—78.

Representatives voting no were: Baker, Bell (Knox), Chiles, Duncan, Hurley, Jones, Scruggs, Shirley, Small and Wallace—10.

Representatives present and not voting were: Turner and Wolfe—2.

A motion to reconsider was tabled.

House Bill No. 1057—To set procedure for filling certain vacancies.

Mr. Burnett moved that House Bill No. 1057 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	85
Noes	4

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DePriest,

WEDNESDAY, APRIL 29, 1981—41st LEGISLATIVE DAY

Dills, Disspayne, Duer, Duncan, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, McAfee, McKinney, McNally, Miller, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shockley, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Work, Yelton and Mr. Speaker McWherter—85.

Representatives voting no were: Buck, Lowe, Scruggs and Shirley—4.

A motion to reconsider was tabled.

Mr. Speaker McWherter resumed the Chair.

House Bill No. 1003—To increase motor vehicle fuel use tax.

Mr. Robertson moved that House Bill No. 1003 be passed on third and final consideration.

Mr. Robinson (Davidson) moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 1003 in Section 2 by deleting the following words and figures:

“Tennessee Code Annotated, Section 67-3703, is amended by substituting for the language “seven cents (7¢)” in subsection (b) thereof, the following:

eleven cents (11¢)”

AND FURTHER AMEND in Section 2 by adding the following:

Tennessee Code Annotated, Section 67-3703, is amended by deleting subsection (b) in its entirety.

AND FURTHER AMEND by adding a new section 9, as follows and renumbering the present Section 9 and subsequent sections accordingly:

SECTION 9. Tennessee Code Annotated, Section 67-3302, is amended in subsection (g) by adding an additional sentence at the end thereof as follows:

“Gasoline” shall also mean liquified petroleum gas.

On motion, the amendment was adopted.

Mr. Bragg moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 1003 by deleting Section 4 in its entirety and renumbering the subsequent sections accordingly.

On motion, the amendment was adopted.

Mr. Spence moved to amend as follows:

AMENDMENT NO. 3

Amend House Bill No. 1003 by adding the following to the end of the amendatory language of subsection (c) of Section 2:

Provided, however, the provisions of this subsection shall not apply to any sale of motor vehicle fuel at the wholesale level by a distributor or dealer to the owner of a mass transit company, including but not limited to transit bus and taxicab companies, for exclusive use of such carriers.

On motion of Mr. Spence Amendment No. 3 was withdrawn.

Mr. Owen moved to amend as follows:

AMENDMENT NO. 4

Amend House Bill No. 1003 by deleting from paragraph (a) and (b) of the amendatory language of Section 3 the following:

- (A) Fifty percent (50%) equally among all counties
- (B) Twenty five percent (25%) on the basis of population
- (C) Twenty five percent (25%) on the basis of area

and substituting instead the following:

- (A) Fifty percent (50%) on the basis of population
- (B) Twenty five percent (25%) on the basis of area
- (C) Twenty five percent (25%) equally among all counties.

AND FURTHER AMEND by adding immediately after Section 8 the following section and renumbering succeeding sections accordingly:

SECTION—. Tennessee code Annotated, Section 54-4-103, is further amended by deleting from the first sentence the following "One half (1/2) of said fund shall be distributed equally among the ninety-five (95) counties of the state, and fifty percent (50%) of the balance shall be distributed among the ninety-five (95) counties on the basis of area and fifty percent (50%) on the basis of population" and substituting instead the following:

Fifty percent (50%) of said fund shall be distributed among the ninety-five (95) counties of the state based on population; twenty five percent (25%) of said fund shall be distributed among the ninety-five (95) counties of the state on the basis of area; and, twenty five percent (25%) of said fund shall be distributed equally among the ninety-five (95) counties of the state.

Mr. Stallings moved that Amendment No. 4 be tabled, which motion prevailed by the following vote:

Ayes	53
Noes	37
Present and not voting	1

Representatives voting aye were: Akard, Baker, Bell (Wilson), Bewley, Bivens, Bragg, Buck, Burnett, Carter, Chiles, Davidson, Davis (Gibson), Davis (Pickett), DePriest, Dills,

Duer, Duncan, Ford, Harrill, Henry (Blount), Henry (Roane), Hillis, Hurley, Huskey, Jared, Johnson, Kelley, Lashlee, Lowe, McAfee, McNally, Murray, Naifeh, Percy, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Washington), Shockley, Stallings, Tanner, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Work, Yelton and Mr. Speaker McWherter—53.

Representatives voting no were: Bell (Knox), Brewer, Byrd, Clark (Davidson), Clark (Sumner), Cobb, Covington, Davis (Hamilton), DeBerry, Disspayne, Ellis, Gaia, Gill, Hudson, Jones, Kent, Kernell, King (Shelby), King (Washington), McKinney, Martin, Miller, Moore, Murphy (Davidson), Owen, Pruitt, Robinson (Hamilton), Scruggs, Severance, Shirley, Small, Smith, Spence, Starnes, Sterling, Turner and Withers—37.

Representative present and not voting was: Love—1.

Mr. Spence moved to amend as follows:

AMENDMENT NO. 5

Amend House Bill No. 1003 by adding the following to the end of the amendatory language of subsection (c) of Section 2:

Provided, however, the provisions of this subsection shall not apply to any sale of motor vehicle fuel at the wholesale level by a distributor or dealer to the owner of a publicly owned mass transit company or a para transit system.

Mr. Rhinehart moved to amend Amendment No. 5 as follows:

AMENDMENT NO. 1 TO AMENDMENT NO. 5

Amend Amendment No. 5 by striking “a para transit system”.

On motion, Amendment No. 1 to Amendment No. 5 was adopted.

Mr. Martin moved to amend Amendment No. 5 as follows:

AMENDMENT NO. 2 TO AMENDMENT NO. 5

Amend Amendment No. 5 by striking the words “publicly owned” and inserting in lieu thereof “government owned”.

On motion, Amendment No. 2 to Amendment No. 5 was adopted.

Thereupon, Amendment No. 5, as amended, was adopted.

Mr. McKinney moved to amend as follows:

AMENDMENT NO. 6

Amend House Bill No. 1003 in Section 2 by deleting the words and figures eleven cents (11¢) and substituting the following words and figures ten cents (10¢).

Mr. Robertson moved that the Amendment No. 6 be tabled, which motion prevailed by the following vote:

Ayes	53
Noes	36

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley,

WEDNESDAY, APRIL 29, 1981—41st LEGISLATIVE DAY

Bragg, Buck, Burnett, Carter, Chiles, Clark (Sumner), Davis (Hamilton), Davis (Pickett), DePriest, Duer, Duncan, Ford, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, King (Washington), Lowe, McAfee, McNally, Martin, Percy, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shockley, Smith, Starnes, Sterling, Webb, Wheeler, Whitson, Wix, Wolfe, Yelton and Mr. Speaker McWherter—53.

Representatives voting no were: Bivens, Brewer, Byrd, Clark (Davidson), Covington, Davidson, Davis (Gibson), DeBerry, Dills, Disspayne, Ellis, Gaia, Gill, Jones, Kernell, King (Shelby), Love, McKinney, Miller, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Phillips, Pruitt, Robinson (Hamilton), Shirley, Small, Spence, Stallings, Tanner, Turner, Wallace, Withers and Work—36.

Mr. Spence moved that House Bill No. 1003 be tabled, which motion failed by the following vote:

Ayes	27
Noes	61
Present and not voting	2

Representatives voting aye were: Bell (Wilson), Byrd, Clark (Davidson), Cobb, Covington, Davidson, DeBerry, Disspayne, Ellis, Gaia, Gill, Kernell, King (Shelby), Lashlee, McKinney, Moore, Murphy (Davidson), Phillips, Pruitt, Shirley, Spence, Starnes, Sterling, Turner, Wallace, Withers and Work—27.

Representatives voting no were: Akard, Baker, Bell (Knox), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Carter, Chiles, Clark (Sumner), Davis (Gibson), Davis (Hamilton), DePriest, Dills, Duer, Duncan, Ford, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, King (Washington), Love, Lowe, McAfee, McNally, Martin, Murray, Naifeh, Percy, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shockley, Small, Smith, Stallings, Tanner, Webb, Wheeler, Whitson, Wix, Wolfe, Yelton and Mr. Speaker McWherter—61.

Representatives present and not voting were: Miller and Owen—2.

Mr. Miller moved to amend as follows:

AMENDMENT NO. 7

Amend House Bill No. 1003 by adding the following to the end of the amendatory language of subsection (c) of Section 2:

Provided, however, the provisions of this subsection shall not apply to any sale of motor vehicle fuel at the wholesale level by a distributor or dealer to the owner or operator of a mass transit system leased to a municipality for exclusive use in such system.

On motion, the amendment was adopted.

Mr. DePriest moved the previous question, which motion prevailed by the following vote:

Ayes	62
Noes	21
Present and not voting	7

Representatives voting aye were: Akard, Baker, Bewley, Bivens, Bragg, Buck, Bur-

nett, Carter, Clark (Sumner), Davis (Gibson), Davis (Hamilton), Davis (Pickett), DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Gaia, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, King (Washington), Lashlee, Lowe, McAfee, McNally, Murphy (Davidson), Murray, Naifeh, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shockley, Small, Smith, Stallings, Starnes, Tanner, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Work and Yelton—62.

Representatives voting no were: Bell (Knox), Bell (Wilson), Byrd, Clark (Davidson), Covington, Davidson, DeBerry, Gill, Jones, Kent, Kernell, McKinney, Martin, Moore, Robertson, Scruggs, Shirley, Spence, Sterling, Turner and Withers—21.

Representatives present and not voting were: Brewer, Cobb, King (Shelby), Love, Miller, Owen and Mr. Speaker McWherter—7.

Thereupon, House Bill No. 1003, as amended, passed its third and final consideration by the following vote:

Ayes	65
Noes	26

Representatives voting aye were: Akard, Baker, Bell (Knox), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Carter, Chiles, Clark (Sumner), Cobb, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DePriest, Dills, Duer, Duncan, Ford, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, King (Shelby), King (Washington), Lowe, McAfee, McNally, Martin, Miller, Murphy (Davidson), Naifeh, Owen, Percy, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shockley, Small, Smith, Stallings, Starnes, Tanner, Webb, Wheeler, Whitson, Wix, Wolfe, Yelton and Mr. Speaker McWherter—65.

Representatives voting no were: Bell (Wilson), Byrd, Clark (Davidson), Covington, Davidson, DeBerry, Disspayne, Ellis, Gaia, Gill, Jones, Kernell, Lashlee, Love, McKinney, Moore, Murray, Phillips, Pruitt, Shirley, Spence, Sterling, Turner, Wallace, Withers and Work—26.

A motion to reconsider was tabled.

House Bill No. 882—To regulate size and weight, freight motor vehicles.

Mr. Robertson moved that House Bill No. 882 be passed on third and final consideration.

Mr. Robinson (Davidson) moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 882 in Section 2, in the new subsection (8) being added to Tennessee Code Annotated, Section 55-4-113, by adding a new sentence, as follows, at the end of subdivisions (b) and (c):

Provided, however, on an overweight poundage equal to not more than three percent (3%) of the maximum weight a freight motor vehicle in that classification is allowed, the tax per pound of such overage shall be only three cents (3¢) per pound. If the weight of the vehicle is more than three percent (3%) in excess of the maximum weight applicable to the class in which it is registered, however, the tax of five cents (5¢) per pound shall be imposed on any poundage over such three percent (3%) allowance.

AND FURTHER AMEND in subdivision (e) of such new subsection (8) being added to Tennessee Code Annotated, Section 55-4-113, by Section 2 of this act, by adding a new sentence at the end of the subdivision (e), as follows:

Provided, however, on an overweight poundage equal to not more than three percent (3%) of the axle weight limit imposed for the classification in which a freight motor vehicle is registered, the tax per pound of such overage shall be only three cents (3¢) per pound. If the weight of the vehicle is more than three percent (3%) in excess of the maximum applicable axle weight, however, the tax of five cents (5¢) per pound shall be imposed on any poundage over such three percent (3%) allowance.

AND FURTHER AMEND in subdivision (f) of such new subsection (8) being added to Tennessee Code Annotated, Section 55-4-113, by Section 2 of this act, by adding a new sentence at the end of the subdivision (f), as follows:

Provided, however, on an overweight poundage equal to not more than three percent (3%) of the applicable weight limit, the tax shall be only three cents (3¢) per pound. If the weight of the vehicle is more than three percent (3%) in excess of the maximum applicable weight, however, the tax of five cents (5¢) per pound shall be imposed on any poundage over such three percent (3%) allowance.

AND FURTHER AMEND in Section 4 by deleting the words and figure "five cents (5¢) per pound" in the amendatory language thereof and substituting therefor the words and figures "three cents (3¢) or five cents (5¢) per pound".

Mr. Duncan moved to amend Amendment No. 1 as follows:

AMENDMENT NO. 1 TO AMENDMENT NO. 1

Amend Amendment No. 1 by deleting wherever they appear the words and figure "three percent (3%)" and substituting instead the words and figure "four percent (4%)".

AND FURTHER AMEND by deleting wherever they appear the words and figure "three cents (3¢)" and substituting instead the words and figure "one cent (1¢)".

AND FURTHER AMEND by deleting in subdivisions (b), (c), (e), and (f) in subsection (8) of Tennessee Code Annotated, Section 55-4-113, as amended, the words and figures "the tax of five cents (5¢) per pound shall be imposed on any poundage over such three percent (3%) allowance" and substituting instead the words and figures "the tax of five cents (5¢) per pound shall be imposed on all poundage over the maximum gross or axle weight, as applicable, which is allowed in the class in which such vehicle is registered".

Mr. Carter moved that Amendment No. 1 to Amendment No. 1 be tabled, which motion prevailed by the following vote:

Ayes	51
Noes	31
Present and not voting	3

Representatives voting aye were: Baker, Bell (Knox), Bewley, Bivens, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Davis (Gibson), Dills, Disspayne, Ellis, Ford, Gaia, Harrill, Henry (Blount), Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Washington), Lowe, McAfee, McKinney, McNally, Martin, Moore, Murphy (Davidson), Owen, Richardson, Robinson (Hamilton), Scruggs, Severance, Shirley, Small, Smith, Spence, Starnes, Sterling, Tanner, Turner, Wallace, Webb, Wheeler, Whitson and Yelton—51.

Representatives voting no were: Akard, Bell (Wilson), Bragg, Brewer, Buck, Burnett, Davidson, Davis (Pickett), DeBerry, DePriest, Duer, Duncan, Henry (Roane), Hillis, Hudson, Jones, Miller, Murray, Naifeh, Phillips, Pickering, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Washington), Shockley, Stallings, Withers, Wix, Wolfe and Work—31.

Representatives present and not voting were: Covington, Robertson and Mr. Speaker McWherter—3.

Mr. McKinney moved that Amendment No. 1 be tabled, which motion failed by the following vote:

Ayes	20
Noes	64

Representatives voting aye were: Byrd, Clark (Davidson), Cobb, Covington, DeBerry, Disspayne, Ellis, Gaia, Gill, Kent, Kernell, Love, Lowe, McKinney, Miller, Moore, Shirley, Spence, Sterling and Turner—20.

Representatives voting no were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Buck, Burnett, Carter, Chiles, Clark (Sumner), Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DePriest, Dills, Duer, Duncan, Ford, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, King (Washington), Lashlee, McAfee, McNally, Martin, Murray, Naifeh, Owen, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shockley, Smith, Stallings, Starnes, Tanner, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Work, Yelton and Mr. Speaker McWherter—64.

Thereupon, on motion, Amendment No. 1 was adopted.

Mr. McKinney moved to amend as follows:

AMENDMENT NO. 2

DIVISION 1

Amend House Bill No. 882 by deleting the fee schedule in Section 2 for private carriers, Classes 1-10 and by substituting the following fee schedules:

Class 1	\$ 30.00
Class 2	\$ 55.00
Class 3	\$ 150.00
Class 4	\$ 290.00
Class 5	\$ 425.00
Class 6	\$ 475.00
Class 7	\$ 525.00
Class 8	\$ 650.00
Class 9	\$ 750.00
Class 10	\$ 875.00
Class 11	\$1300.00

AND FURTHER AMEND by deleting the fee schedule in Section 2 for public carriers, Classes 1-10 and by substituting the following fee schedules:

Class 1	\$ 40.00
Class 2	\$ 90.00

WEDNESDAY, APRIL 29, 1981—41st LEGISLATIVE DAY

Class 3	\$ 240.00
Class 4	\$ 375.00
Class 5	\$ 550.00
Class 6	\$ 625.00
Class 7	\$ 675.00
Class 8	\$ 800.00
Class 9	\$ 915.00
Class 10	\$1035.00
Class 11	\$1300.00

AND FURTHER AMEND by deleting the fee schedule in Section 2 for combined farm and limited private trucks, Classes 1-10 and by substituting the following fee schedules:

Class 1	\$ 17.75
Class 2	\$ 30.00
Class 3	\$ 90.00
Class 4	\$116.00
Class 5	\$155.00
Class 6	\$180.00
Class 7	\$200.00
Class 8	\$246.00
Class 9	\$284.00
Class 10	\$331.00
Class 11	\$400.00

DIVISION 2

AND FURTHER AMEND in Section 2 under special zone licenses, Class 1, by deleting the figures "\$430.00" and by substituting in lieu thereof the figures "\$700.00".

AND FURTHER AMEND in Section 2 under special zone licenses, Class 2, by deleting the figures "\$560.00" and by substituting in lieu thereof the figures "\$700.00".

Mr. Rhinehart requested a division of the question of Amendment No. 2.

Mr. McKinney moved that Division No. 1 of Amendment No. 2 be adopted.

Mr. Robertson moved that the motion be tabled.

Mr. McKinney moved that the House stand in adjournment until 10:00 a.m. tomorrow, which motion failed by the following vote:

Ayes	31
Noes	54
Present and not voting	1

Representatives voting aye were: Bell (Wilson), Bivens, Brewer, Byrd, Cobb, Covington, Davidson, DeBerry, Dills, Disspayne, Ellis, Gaia, Gill, Jones, Kernell, Lashlee, Lowe, Martin, Moore, Murphy (Davidson), Murray, Owen, Phillips, Shirley, Smith, Sterling, Turner, Withers, Wix, and Work—31.

Representatives voting no were: Akard, Baker, Bell (Knox), Bewley, Bragg, Buck, Burnett, Carter, Chiles, Clark (Sumner), Davis (Gibson), Davis (Hamilton), Davis (Pickett), DePriest, Duer, Duncan, Ford, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, King (Washington), McAfee, McNally, Miller, Naifeh, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shockley, Small, Stal-

lings, Starnes, Tanner, Wallace, Webb, Wheeler, Whitson, Wolfe, Yelton and Mr. Speaker McWherter—54.

Representative present and not voting was: Love—1.

Thereupon, Mr. Robertson's motion to table Mr. McKinney's motion for the adoption of Division 1 of Amendment No. 2 prevailed by the following vote:

Ayes	44
Noes	42

Representatives voting aye were: Baker, Bell (Knox), Bewley, Bragg, Burnett, Carter, Chiles, Clark (Sumner), Davis (Hamilton), Davis (Pickett), DePriest, Duer, Duncan, Ford, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Huskey, Jared, Johnson, Kelley, Kent, King (Washington), McAfee, McNally, Martin, Rhinehart, Robertson, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shockley, Small, Smith, Starnes, Tanner, Webb, Whitson, Wolfe, Yelton and Mr. Speaker McWherter—44.

Representatives voting no were: Akard, Bell (Wilson), Bivens, Brewer, Buck, Byrd, Cobb, Covington, Davidson, Davis (Gibson), DeBerry, Dills, Disspayne, Ellis, Gaia, Gill, Hurley, Jones, Kernell, Love, Lowe, McKinney, Miller, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Phillips, Pickering, Richardson, Robinson (Hamilton), Shirley, Spence, Stallings, Sterling, Turner, Wallace, Wheeler, Withers, Wix and Work—42.

Mr. McKinney moved that Division No. 2 of Amendment No. 2 be adopted.

Mr. Robertson moved that the motion be tabled, which motion prevailed by the following vote:

Ayes	56
Noes	32

Representatives voting aye were: Akard, Baker, Bell (Knox), Bewley, Bragg, Buck, Burnett, Carter, Chiles, Clark (Sumner), Davis (Gibson), Davis (Hamilton), Davis (Pickett), DePriest, Dills, Duer, Duncan, Ford, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, King (Washington), Lashlee, McAfee, McNally, Martin, Miller, Naifeh, Phillips, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shockley, Small, Smith, Stallings, Starnes, Tanner, Wallace, Webb, Whitson, Wolfe, Yelton and Mr. Speaker McWherter—56.

Representatives voting no were: Bell (Wilson), Bivens, Brewer, Byrd, Clark (Davidson), Cobb, Covington, Davidson, DeBerry, Disspayne, Ellis, Gaia, Gill, Jones, Kernell, Love, Lowe, McKinney, Moore, Murphy (Davidson), Murray, Owen, Pickering, Robinson (Hamilton), Shirley, Spence, Sterling, Turner, Wheeler, Withers, Wix and Work—32.

Mr. McKinney moved to amend as follows:

AMENDMENT NO. 3

Amend House Bill No. 882 by adding the following new section immediately preceding Section 9, and by renumbering subsequent sections accordingly:

Section—. Whenever a vehicle is weighed by the state, a weight measurement shall also be made under just the front axle.

On motion, the amendment was adopted.

Mr. Bragg moved to amend as follows:

AMENDMENT NO. 4

Amend House Bill No. 882

DIVISION 1

the amendatory language in Section 2 by substituting for the language in subsection (1) Private Carriers, the following:

Class 1. Freight motor vehicles with declared maximum gross weight, including vehicle and load, of not more than 9,000 pounds. Registration tax \$37.50.

Class 2. Freight motor vehicles and with declared maximum gross weight, including the weight of vehicle and load, not in excess of 16,000 pounds. Registration tax \$62.50.

Class 3. Freight motor vehicles with declared maximum gross weight, including vehicle and load, not in excess of 20,000 pounds. Registration tax \$187.50.

This registration class may likewise be issued for motor vehicles in excess of twenty thousand (20,000) pounds which are hereinafter identified and for limited uses hereinafter described:

(A) Truck tractors used exclusively to pull lowboy type trailers on which are transported machinery that is used only for agricultural purposes, such as, but not limited to, terracing, clearing land, and building ponds, levees, ditches and/or canals; and

(B) Trucks on which are mounted lime or fertilizer spreaders. The use of the highways by these limited use motor vehicles registered in this class is restricted to that which is incidental to the movement of such designated machinery from farm to farm and any volume and unpackaged lime and fertilizer from the distribution point to the farm.

Provided, however, that the applicant for licensing hereinabove must file an affidavit with the deputy registrar that such trucks or truck tractor combinations are used exclusively for such agricultural purposes; and further, that a notarized carbon copy of said affidavit shall be attached to the owner's certificate of registration and shall be carried and displayed as provided in Section 55-4-109. Any person in violation of these restrictions and/or provisions, by using such trucks other than for the purposes above mentioned, shall be subject to the same assessment and penalty provisions, and enforcement procedures, made applicable to overweight vehicles as hereinafter provided.

Class 4. Freight motor vehicles with declared maximum gross weight, including vehicle and load, not in excess of 26,000 pounds. Registration tax \$350.00.

Class 5. Freight motor vehicles with declared maximum gross weight, including vehicle and load, not in excess of 32,000 pounds. Registration tax \$475.00.

Class 6. Freight motor vehicles with declared maximum gross weight, including vehicle and load, not in excess of 38,000 pounds. Registration tax \$550.00.

Class 7. Freight motor vehicles with declared gross weight, including vehicle and load, not in excess of 44,000 pounds. Registration tax \$600.00.

Class 8. Freight motor vehicles with a declared maximum gross weight, including vehicle and load, not in excess of 56,000 pounds. Registration tax \$750.00.

WEDNESDAY, APRIL 29, 1981—41st LEGISLATIVE DAY

Class 9. Freight motor vehicles with a declared maximum gross weight, including vehicle and load, not in excess of 66,000 pounds. Registration tax \$875.00.

Class 10. Freight motor vehicles with a declared maximum gross weight, including vehicle and load, not in excess of 74,000 pounds. Registration tax \$1,000.00.

Class 11. Freight motor vehicles with a declared maximum gross weight, including vehicle and load, not in excess of 80,000 pounds. Registration tax \$1,300.00.

Class 12. Fixed Load Vehicles so designed and used only for the transportation of equipment that is mounted thereon and as found defined in Section 55-1-117, may be registered at the rate of twenty-five percent (25%) of the tax schedules set forth in subsection (1) hereof.

DIVISION 2

and further amend Section 2 by substituting for the figure \$50.00 in Class 1 of subsection (2) Public Carriers, the following:

\$47.50

DIVISION 3

and further amend Section 2 by substituting for the fee schedule in subsection (4) Combined Farm and Limited Private Trucks, the following:

Class 1	\$ 17.75
Class 2	\$ 33.00
Class 3	\$ 99.00
Class 4	\$128.00
Class 5	\$170.00
Class 6	\$198.00
Class 7	\$220.00
Class 8	\$270.00
Class 9	\$312.00
Class 10	\$364.00
Class 11	\$492.00

Mr. McKinney requested a division of the question on Amendment No. 4.

Mr. Speaker McWherter stated that pursuant to Rule No. 32, this request was in order.

Mr. Robinson (Davidson) moved that Rule No. 32 be suspended so that the question would not be divided.

Mr. Cobb moved that the House stand in adjournment until 10:00 A.M. tomorrow, which motion failed by the following vote:

Ayes	30
Noes	53

Representatives voting aye were: Bell (Wilson), Bivens, Brewer, Byrd, Clark (Davidson), Clark (Sumner), Cobb, Covington, Davidson, DeBerry, Disspayne, Ellis, Gaia, Gill, Hudson, Kernell, Lashlee, McKinney, Martin, Miller, Moore, Murphy (Davidson), Owen, Phillips, Robinson (Hamilton), Shockley, Smith, Turner, Withers and Work—30.

Representatives voting no were: Akard, Baker, Bell (Knox), Bewley, Bragg, Buck, Burnett, Carter, Chiles, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DePriest, Dills,

WEDNESDAY, APRIL 29, 1981—41st LEGISLATIVE DAY

Duer, Duncan, Ford, Harrill, Henry (Blount), Henry (Roane), Hillis, Hurley, Huskey, Jared, Johnson, Kelley, Kent, King (Washington), McAfee, McNally, Murray, Naifeh, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Scruggs, Severance, Small, Spence, Stallings, Starnes, Sterling, Tanner, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Yelton and Mr. Speaker McWherter—53.

Thereupon, the motion to suspend the rules on the Division of the question on Amendment No. 4 failed by the following vote:

Ayes	51
Noes	36
Present and not voting	1

Representatives voting aye were: Akard, Baker, Bell (Knox), Bewley, Bivens, Bragg, Buck, Carter, Chiles, Clark (Sumner), Davis (Gibson), Davis (Pickett), DePriest, Duer, Duncan, Ford, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, King (Washington), McAfee, McNally, Naifeh, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shockley, Small, Smith, Stallings, Starnes, Tanner, Wallace, Webb, Whitson, Wix, Wolfe, Yelton and Mr. Speaker McWherter—51.

Representatives voting no were: Bell (Wilson), Brewer, Burnett, Byrd, Clark (Davidson), Cobb, Covington, Davidson, Davis (Hamilton), DeBerry, Dills, Disspayne, Ellis, Gaia, Gill, Kent, Kernell, Lashlee, Lowe, McKinney, Martin, Miller, Moore, Murphy (Davidson), Murray, Owen, Phillips, Pickering, Robinson (Hamilton), Shirley, Spence, Sterling, Turner, Wheeler, Withers and Work—36.

Representative present and not voting was: Love—1.

Mr. Rhinehart moved the previous question, on Division No. 1 of Amendment No. 4 which motion prevailed by the following vote:

Ayes	66
Noes	16
Present and not voting	4

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Buck, Burnett, Carter, Chiles, Clark (Davidson), Clark (Sumner), Davis (Gibson), Davis (Hamilton), Davis (Pickett), DePriest, Dills, Duer, Duncan, Ford, Gaia, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, King (Washington), Love, McAfee, McNally, Miller, Murphy (Davidson), Murray, Naifeh, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shockley, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Work and Yelton—66.

Representatives voting no were: Byrd, Covington, Davidson, DeBerry, Disspayne, Ellis, Gill, Lashlee, Lowe, McKinney, Martin, Moore, Owen, Shirley, Turner and Withers—16.

Representatives present and not voting were: Brewer, Kernell, Robinson (Hamilton) and Mr. Speaker McWherter—4.

Thereupon, on motion, Division 1 of Amendment No. 4 was adopted.

Mr. Rhinehart moved the previous question on the Division No. 2 of Amendment No. 4, which motion prevailed by the following vote:

Ayes	65
Noes	16
Present and not voting	5

Representatives voting aye were: Akard, Baker, Bewley, Bivens, Bragg, Buck, Burnett, Carter, Chiles, Clark (Davidson), Clark (Sumner), Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DePriest, Dills, Duer, Duncan, Ford, Gaia, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, King (Washington), Lashlee, Love, McAfee, McNally, Murphy (Davidson), Naifeh, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shockley, Small, Smith, Stallings, Starnes, Sterling, Tanner, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Work and Yelton—65.

Representatives voting no were: Bell (Knox), Bell (Wilson), Byrd, DeBerry, Dispayne, Ellis, Gill, Lowe, McKinney, Miller, Moore, Murray, Shirley, Spence, Turner and Withers—16.

Representatives present and not voting were: Brewer, Covington, Kernell, Owen and Mr. Speaker McWherter—5.

Mr. Rhinehart moved that Division No. 2 of Amendment No. 4 be adopted, which motion prevailed.

Mr. McKinney moved that Division No. 3 of Amendment No. 4 be adopted.

Mr. McKinney moved to amend as follows:

AMENDMENT NO. 1 TO DIVISION NO. 3 OF AMENDMENT NO. 4

AND FURTHER AMEND by deleting the fee schedule in Section 2 for combined form and limited private trucks, Classes 1-11 and by substituting the following fee schedules:

Class 1	\$ 17.75
Class 2	\$ 30.00
Class 3	\$ 90.00
Class 4	\$116.00
Class 5	\$155.00
Class 6	\$180.00
Class 7	\$200.00
Class 8	\$246.00
Class 9	\$284.00
Class 10	\$331.00
Class 11	\$400.00

Mr. Rhinehart moved that Amendment No. 1 to Division No. 3 of Amendment No. 4 be tabled, which motion prevailed by the following vote:

Ayes	45
Noes	42

Representatives voting aye were: Baker, Bell (Knox), Bewley, Bivens, Bragg, Burnett, Byrd, Carter, Chiles, Clark (Sumner), DePriest, Duer, Duncan, Ford, Gaia, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Huskey, Jared, Johnson, Kent, King (Washington), McAfee, McNally, Owen, Rhinehart, Robertson, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shockley, Small, Smith, Stallings, Starnes, Webb, Whitson, Wix, Wolfe, Yelton and Mr. Speaker McWherter—45.

WEDNESDAY, APRIL 29, 1981—41st LEGISLATIVE DAY

Representatives voting no were: Akard, Bell (Wilson), Buck, Clark (Davidson), Cobb, Covington, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, Dills, Disspayne, Ellis, Gill, Hurley, Jones, Kelley, Kernell, Lashlee, Love, Lowe, McKinney, Martin, Miller, Moore, Murphy (Davidson), Murray, Naifeh, Phillips, Pickering, Richardson, Robinson (Hamilton), Shirley, Spence, Sterling, Tanner, Turner, Wallace, Wheeler, Withers and Work—42.

Mr. Rhinehart moved the previous question, on Division No. 3 of Amendment No. 4 which motion prevailed by the following vote:

Ayes	59
Noes	25
Present and not voting	1

Representatives voting aye were: Akard, Baker, Bell (Knox), Bewley, Bivens, Bragg, Buck, Burnett, Carter, Chiles, Clark (Sumner), Davis (Gibson), Davis (Pickett), DePriest, Dills, Duer, Duncan, Ford, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, King (Washington), Lashlee, Love, McAfee, McNally, Martin, Naifeh, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shockley, Small, Smith, Stallings, Starnes, Sterling, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe and Yelton—59.

Representatives voting no were: Bell (Wilson), Brewer, Byrd, Clark (Davidson), Cobb, Covington, Davidson, DeBerry, Disspayne, Ellis, Gaia, Gill, Kernell, Lowe, McKinney, Moore, Murphy (Davidson), Murray, Owen, Robinson (Hamilton), Shirley, Spence, Turner, Withers and Work—25.

Representative present and not voting was: Miller—1.

Mr. Rhinehart moved that Division No. 3 of Amendment No. 4 be adopted, which motion prevailed.

Mr. Bragg moved to amend as follows:

AMENDMENT NO. 5

Amend House Bill No. 882 in the amendatory language in Section (7) Special Zone Licenses by deleting the period following the figures \$430.00 in Class 1 and adding the following:

for freight motor vehicles with a declared maximum gross weight not exceeding 74,000 pounds and an annual fee of \$500.00 for freight motor vehicles with a declared maximum gross weight not exceeding 80,000 pounds

and further amend Section (7) by deleting the period following the figures \$560.00 in Class 2 thereof and adding the following:

for freight motor vehicles with a declared maximum gross weight not exceeding 74,000 pounds and an annual fee of \$650.00 for freight motor vehicles with a declared maximum gross weight not exceeding 80,000 pounds.

On motion, the amendment was adopted.

Mr. Johnson moved to amend as follows:

AMENDMENT NO. 6

Amend House Bill No. 882 by deleting Section 5 in its entirety and substituting instead

the following:

SECTION 5. Tennessee Code Annotated, Section 55-11-201, is amended by adding to subsection (a), the following paragraph (3):

(3) That when a motor vehicle has a twin trailer or twin semitrailer attached, the total length of the combination, including any part of the body or load, may extend to sixty-five (65'), provided, however, that such combination shall be operated only on the national systems of interstate and defense highways of four (4) or more lanes and within one (1) mile thereof on access roads to such highways.

Tennessee Code Annotated, Section 55-11-201, is further amended by deleting subsection (b).

Mr. Richardson moved to amend Amendment No. 6 as follows:

AMENDMENT NO. 1 TO AMENDMENT NO. 6

Amend Amendment No. 6 by adding the following:

Provided however, that said twin trailer shall have a red caboose on the end thereof.

On motion of Mr. Richardson, the Amendment to the Amendment was withdrawn.

Mr. Owen moved that Amendment No. 6 be tabled, which motion prevailed by the following vote:

Ayes	61
Noes	24

Representatives voting aye were: Akard, Baker, Bell (Wilson), Bewley, Bivens, Brewer, Buck, Burnett, Carter, Chiles, Clark (Davidson), Clark (Sumner), Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), Dills, Duer, Duncan, Ellis, Ford, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Kelley, Kent, Lashlee, Love, Lowe, McAfee, McNally, Martin, Miller, Moore, Murphy (Davidson), Murray, Owen, Phillips, Pickering, Rhinehart, Robertson, Robinson (Davidson), Scruggs, Severance, Shockley, Smith, Stallings, Starnes, Sterling, Wallace, Wheeler, Whitson, Wix, Wolfe, Yelton and Mr. Speaker McWherter—61.

Representatives voting no were: Bell (Knox), Byrd, Cobb, Covington, DeBerry, DePriest, Disspayne, Gaia, Gill, Johnson, Jones, Kernell, King (Washington), McKinney, Naifeh, Richardson, Robinson (Hamilton), Robinson (Washington), Shirley, Spence, Tanner, Turner, Webb and Work—24.

REQUEST TO CHANGE VOTE

Messrs. Kernell and Shirley asked to be recorded as changing their vote from “no” to “yes” on the motion to table Amendment No. 6.

Mr. Robinson (Davidson) moved to amend as follows:

AMENDMENT NO. 7

Amend House Bill No. 882 by designating the present language of Section 5 as subsection (a) and by adding the following new subsection to be appropriately designated:

() Tennessee Code Annotated, Section 55-11-201 is further amended by deleting

the period (.) at the end of item (2) of subsection (a) and by substituting instead the punctuation and word “; or” and is further amended by adding the following new item (3):

(3) That when the load on such vehicle consists of livestock, the maximum total length of such vehicle and any trailer or semitrailer attached thereto shall be sixty-five feet (65').

Mr. Burnett moved the previous question on the amendment, which motion failed by the following vote:

Ayes	50
Noes	37

Representatives voting aye were: Akard, Baker, Bivens, Bragg, Buck, Burnett, Chiles, Clark (Sumner), Davidson, Davis (Gibson), Davis (Pickett), DePriest, Dills, Duer, Duncan, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, King (Washington), Lashlee, McAfee, McNally, Naifeh, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Scruggs, Severance, Shockley, Small, Smith, Stallings, Starnes, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Yelton and Mr. Speaker McWherter—50.

Representatives voting no were: Bell (Knox), Bell (Wilson), Bewley, Brewer, Byrd, Carter, Clark (Davidson), Cobb, Covington, Davis (Hamilton), DeBerry, Disspayne, Ellis, Ford, Gaia, Gill, Harrill, Jones, Kent, Kernell, Lowe, McKinney, Martin, Miller, Moore, Murphy (Davidson), Murray, Owen, Robinson (Hamilton), Robinson (Washington), Shirley, Spence, Sterling, Tanner, Turner, Withers and Work—37.

Pursuant to Rule No. 34, Messrs. McKinney, Owen, Miller, Murray and Byrd demanded that the Committee on Calendar and Rules meet and fix or limit the time in which debate on Amendment No. 7 to House Bill No. 882 shall be closed.

The Speaker declared a five-minute recess in order that the Committee on Calendar and Rules could meet for that purpose.

The recess having expired, the House was called to order by Mr. Speaker McWherter.

The roll call was taken with the following results:

Present	78
---------------	----

Representatives present were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Chiles, Clark (Sumner), Cobb, Covington, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, King (Washington), Lashlee, Love, Lowe, McKinney, McNally, Martin, Miller, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Phillips, Pickering, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shockley, Small, Smith, Stallings, Starnes, Sterling, Tanner, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Work, Yelton and Mr. Speaker McWherter—78.

Mr. Gill, Chairman of the Committee on Calendar and Rules, reported that the Committee had decided that debate would be limited to ten minutes for proponents and ten minutes for opponents on Amendment No. 7 to House Bill No. 882.

Thereupon, on motion Amendment No. 7 was adopted.

Mr. Martin asked to be recorded as voting no on Amendment No. 7 to House Bill No. 882.

Mr. Robertson moved to amend as follows:

AMENDMENT NO. 8

Amend House Bill No. 882 by adding a new section to read as follows:

SECTION—: A permit shall be available from the Department of Transportation on an annual basis for over dimensional and/or overweight vehicles for one thousand dollars (\$1,000.00) per year. This shall apply to weights up to one hundred fifty thousand pounds (150,000 lbs). These permits shall be available to intra-state movements only. Movements in excess of one hundred fifty thousand (150,000 lbs) will be required to obtain a special permit at a cost of fifteen dollars (15.00) plus five cents (\$.05) per ton-mile for all weight in excess of one hundred fifty thousand pounds (150,000 lbs).

On motion, the amendment was adopted.

Mr. Robertson moved to amend as follows:

AMENDMENT NO. 9

Amend House Bill No. 882 by adding a new section, as follows, to be numbered appropriately, immediately before the effective date section, and renumbering the effective date section accordingly:

Section—. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared severable.

On motion, the amendment was adopted.

Mr. Murphy (Davidson) moved to amend as follows:

AMENDMENT NO. 10

Amend House Bill No. 882 by adding the following new section:

"All penalties for overweight shall be doubled for the third and each subsequent offense that exceeds 3%"

Mr. Robertson moved that the Amendment No. 10 be tabled, which motion prevailed by the following vote:

Ayes	49
Noes	35

Representatives voting aye were: Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Burnett, Chiles, Clark (Sumner), Davidson, Davis (Pickett), Duer, Duncan, Ford, Harrill, Henry (Blount), Henry (Roane), Hillis, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Lashlee, McAfee, McNally, Murray, Naifeh, Pickering, Rhinehart, Robertson, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shockley, Smith, Stallings, Starnes, Tanner, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Work, Yelton and Mr. Speaker McWherter—49

Representatives voting no were: Akard, Baker, Buck, Byrd, Carter, Clark (Davidson),

WEDNESDAY, APRIL 29, 1981—41st LEGISLATIVE DAY

Cobb, Covington, Davis (Gibson), Davis (Hamilton), DeBerry, Dills, Disspayne, Ellis, Gaia, Gill, Hudson, Jones, Kernell, King (Washington), Love, Lowe, McKinney, Martin, Miller, Moore, Murphy (Davidson), Owen, Richardson, Shirley, Small, Spence, Sterling, Turner and Withers—35.

Mr. Robinson (Davidson) moved to amend as follows:

AMENDMENT NO. 11

Amend House Bill No. 882 by designating the present language of Section 5 as subsection (a) and by adding the following new subsection (b):

(b) Tennessee Code Annotated, Section 55-11-201 is further amended by deleting item (1) of subsection (a) in its entirety and by substituting instead the following:

(1) That the maximum total length for vehicles which are designed to carry a load of automobiles and/or motor vehicles shall be sixty-five feet (65') including any trailer or semitrailer attached to such vehicle and the load thereon; or

On motion, the amendment was adopted.

Mr. Davis (Gibson) moved to amend as follows:

AMENDMENT NO. 12

Amend House Bill No. 882 in Section 2, subdivision (7) of Tennessee Code Annotated, Section 55-4-113 "Special Zone Licenses" by adding at the end of the language of Class 1 the following:

Provided, however, that in the case of a non-common carrier operating a freight motor vehicle which has either a gross weight of not more than 44,000 pounds or a gross weight of not more than 74,000 pounds and more than three (3) axles, the annual fee shall be \$356.00.

AND FURTHER AMEND in Section 2, subdivision (7) of Tennessee Code Annotated, Section 55-4-113 "Special Zone Licenses" by adding at the end of the language of Class 2 the following:

Provided, however, that in the case of a non-common carrier operating a freight motor vehicle which has either a gross weight of not more than 44,000 pounds or a gross weight of not more than 74,000 pounds and more than three (3) axles, the annual fee shall be \$460.00.

Mr. Robinson (Davidson) moved that the Amendment No. 12 be tabled, which motion failed by the following vote:

Ayes	35
Noes	47
Present and not voting	2

Representatives voting aye were: Bell (Knox), Bewley, Bivens, Bragg, Burnett, Carter, Chiles, Cobb, Davis (Hamilton), Duncan, Ford, Harrill, Henry (Blount), Hillis, Hudson, Huskey, Jared, King (Washington), McAfee, McNally, Martin, Murray, Pickering, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shockley, Smith, Starnes, Webb, Whitson and Yelton—35.

Representatives voting no were: Akard, Baker, Bell (Wilson), Brewer, Buck, Byrd, Clark (Davidson), Clark (Sumner), Covington, Davidson, Davis (Gibson), Davis (Pickett),

WEDNESDAY, APRIL 29, 1981—41st LEGISLATIVE DAY

DeBerry, Dills, Disspayne, Duer, Ellis, Gaia, Gill, Henry (Roane), Hurley, Johnson, Jones, Kelley, Kent, Kernell, Lashlee, Lowe, McKinney, Moore, Murphy (Davidson), Naifeh, Phillips, Richardson, Shirley, Small, Spence, Stallings, Sterling, Tanner, Turner, Wallace, Wheeler, Withers, Wix, Wolfe and Work—47.

Representatives present and not voting were: Miller and Owen—2.

Mr. Lashlee moved the previous question, on the amendment, which motion failed by the following vote:

Ayes	56
Noes	25
Present and not voting	4

Representatives voting aye were: Akard, Baker, Bell (Wilson), Bewley, Bivens, Bragg, Byrd, Carter, Chiles, Clark (Sumner), Covington, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Ford, Gaia, Gill, Henry (Blount), Hillis, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, King (Washington), Lashlee, Lowe, McNally, Naifeh, Phillips, Pickering, Rhinehart, Richardson, Robertson, Shirley, Shockley, Small, Spence, Stallings, Starnes, Sterling, Wallace, Webb, Wheeler, Withers, Wix, Wolfe and Work—56.

Representatives voting no were: Bell (Knox), Buck, Burnett, Clark (Davidson), Cobb, Duncan, Ellis, Harrill, Henry (Roane), Hudson, McAfee, McKinney, Miller, Moore, Murphy (Davidson), Murray, Owen, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Smith, Turner and Whitson—25.

Representatives present and not voting were: Brewer, Kernell, Yelton and Mr. Speaker McWherter—4.

Mr. McKinney moved that the House stand in adjournment until 10:00 a.m. tomorrow, which motion failed by the following vote:

Ayes	28
Noes	55

Representatives voting aye were: Bell (Wilson), Bivens, Brewer, Byrd, Clark (Davidson), Cobb, Covington, DeBerry, Disspayne, Ellis, Gaia, Gill, Hurley, Jones, Kernell, Lashlee, McKinney, Martin, Miller, Moore, Murphy (Davidson), Murray, Owen, Robinson (Hamilton), Shirley, Turner, Wix and Work—28.

Representatives voting no were: Akard, Bell (Knox), Bewley, Bragg, Buck, Burnett, Carter, Chiles, Clark (Sumner), Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DePriest, Dills, Duer, Duncan, Ford, Harrill, Henry (Blount), Hillis, Hudson, Huskey, Jared, Johnson, Kelley, Kent, King (Washington), Lowe, McAfee, McNally, Naifeh, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shockley, Small, Smith, Spence, Stallings, Sterling, Tanner, Wallace, Webb, Whitson, Wolfe, Yelton and Mr. Speaker McWherter—55.

Thereupon, Amendment No. 12 failed by the following vote:

Ayes	41
Noes	41
Present and not voting	3

Representatives voting aye were: Akard, Bell (Wilson), Burnett, Byrd, Carter, Clark (Davidson), Clark (Sumner), Davidson, Davis (Gibson), Davis (Pickett), DeBerry, Dills, Disspayne, Duer, Ellis, Gaia, Gill, Henry (Roane), Jared, Johnson, Jones, Kent, Kernell,

WEDNESDAY, APRIL 29, 1981—41st LEGISLATIVE DAY

Lashlee, Lowe, Martin, Murphy (Davidson), Naifeh, Phillips, Richardson, Shirley, Small, Spence, Stallings, Sterling, Tanner, Wallace, Wheeler, Withers, Wix and Wolfe—41.

Representatives voting no were: Baker, Bell (Knox), Bewley, Bivens, Bragg, Buck, Chiles, Cobb, Davis (Hamilton), DePriest, Duncan, Ford, Harrill, Henry (Blount), Hillis, Hudson, Hurley, Huskey, Kelley, King (Washington), Love, McAfee, McKinney, McNally, Miller, Moore, Murray, Owen, Pickering, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shockley, Smith, Starnes, Webb, Whitson and Yelton—41.

Representatives present and not voting were: Covington, Turner and Work—3.

Mr. McKinney moved to amend as follows:

AMENDMENT NO. 13

Amend House Bill No. 882 by adding a new section, as follows, to be numbered appropriately, immediately before the effective date section, and renumbering the effective date section accordingly:

Section—. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared not severable.

and further amend by deleting the severability clause.

Mr. Burnett moved that Amendment No. 13 tabled, which motion prevailed by the following vote:

Ayes	61
Noes	24

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Buck, Burnett, Chiles, Clark (Sumner), Davis (Gibson), Davis (Hamilton), Davis (Pickett), DePriest, Dills, Duer, Duncan, Ford, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, King (Washington), Love, Lowe, McAfee, McNally, Murray, Naifeh, Owen, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shockley, Small, Smith, Stallings, Starnes, Sterling, Tanner, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Yelton and Mr. Speaker McWherter—61.

Representatives voting no were: Byrd, Clark (Davidson), Cobb, Covington, Davidson, DeBerry, Disspayne, Ford, Gaia, Gill, Kernell, Lashlee, McKinney, Martin, Miller, Moore, Murphy (Davidson), Phillips, Robinson (Hamilton), Shirley, Spence, Turner, Withers and Work—24.

Mr. McKinney moved to amend as follows:

AMENDMENT NO. 14

Amend House Bill No. 882 by adding a new section prior to the severability clause and renumbering the subsequent sections accordingly the following:

“Tractor hauling a tree at its natural length shall be exempt from the length set forth in the provisions of this act”

Mr. Burnett moved that the Amendment No. 14 be tabled, which motion prevailed by

WEDNESDAY, APRIL 29, 1981—41st LEGISLATIVE DAY

the following vote:

Ayes	57
Noes	27
Present and not voting	1

Representatives voting aye were: Akard, Baker, Bell (Knox), Bewley, Bragg, Brewer, Buck, Burnett, Chiles, Davidson, Davis (Gibson), Davis (Hamilton), DePriest, Dills, Duer, Duncan, Ford, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, King (Washington), Love, Lowe, McAfee, McNally, Martin, Murray, Naifeh, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shockley, Smith, Stallings, Starnes, Sterling, Tanner, Wallace, Whitson, Wix, Yelton and Mr. Speaker McWherter—57.

Representatives voting no were: Bell (Wilson), Bivens, Byrd, Carter, Clark (Davidson), Cobb, Covington, DeBerry, Disspayne, Gaia, Gill, Kernell, McKinney, Miller, Moore, Murphy (Davidson), Owen, Robinson (Hamilton), Shirley, Small, Spence, Turner, Webb, Wheeler, Withers, Wolfe and Work—27.

Representative present and not voting was: Ellis—1.

Ms. DeBerry moved to amend as follows:

AMENDMENT NO. 15

Amend House Bill No. 882 by deleting from Section 9 the figures "1981" and substituting instead the figures "1985".

Mr. Burnett moved that Amendment No. 15 be tabled, which motion prevailed by the following vote:

Ayes	61
Noes	24
Present and not voting	1

Representatives voting aye were: Akard, Baker, Bell (Knox), Bewley, Bivens, Bragg, Buck, Burnett, Carter, Chiles, Clark (Sumner), Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DePriest, Dills, Duer, Duncan, Ellis, Ford, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Johnson, Kelley, Kent, King (Washington), Lowe, McAfee, McNally, Miller, Murray, Naifeh, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shockley, Small, Smith, Stallings, Starnes, Sterling, Tanner, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Yelton and Mr. Speaker McWherter—61.

Representatives voting no were: Bell (Wilson), Brewer, Byrd, Clark (Davidson), Cobb, Covington, DeBerry, Disspayne, Gaia, Gill, Jones, Kernell, Love, McKinney, Martin, Moore, Murphy (Davidson), Owen, Phillips, Robinson (Hamilton), Shirley, Spence, Turner and Withers—24.

Representative present and not voting was: Work—1.

Mr. McKinney moved to amend as follows:

AMENDMENT NO. 16

Amend House Bill No. 882 by changing the word "livestock" to "farm products" wherever it may appear in the bill.

WEDNESDAY, APRIL 29, 1981—41st LEGISLATIVE DAY

Mr. Burnett moved that Amendment No. 16 be tabled, which motion prevailed by the following vote:

Ayes	60
Noes	24

Representatives voting aye were: Akard, Baker, Bell (Knox), Bewley, Bivens, Bragg, Buck, Burnett, Carter, Chiles, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DePriest, Duer, Duncan, Ellis, Ford, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, King (Washington), Love, Lowe, McAfee, McNally, Martin, Naifeh, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shockley, Small, Smith, Spence, Stallings, Starnes, Sterling, Wallace, Webb, Whitson, Wix, Wolfe, Work, Yelton and Mr. Speaker McWherter—60.

Representatives voting no were: Bell (Wilson), Byrd, Clark (Davidson), Cobb, Covington, DeBerry, Disspayne, Gaia, Gill, Jones, Kernell, Lashlee, McKinney, Moore, Murphy (Davidson), Murray, Owen, Phillips, Robinson (Hamilton), Shirley, Tanner, Turner, Wheeler and Withers—24.

Mr. Davis (Pickett) moved to amend as follows:

AMENDMENT NO. 17

Amend House Bill No. 882 in Section 2, subdivision (7) of Tennessee Code Annotated, Section 55-4-113 "Special Zone Licenses" by adding at the end of the language of Class 1 the following:

Provided, however, that in the case of a non-common carrier operating a freight motor vehicle which has either a gross weight of not more than 56,000 pounds or a gross weight of not more than 73,280 pounds and more than three (3) axles, the annual fee shall be \$356.00.

AND FURTHER AMEND in Section 2, subdivision (7) of Tennessee Code Annotated, Section 55-4-113 "Special Zone Licenses" by adding at the end of the language of Class 2 the following:

Provided, however, that in the case of a non-common carrier operating a freight motor vehicle which has either a gross weight of not more than 56,000 pounds or a gross weight of not more than 73,280 pounds and more than three (3) axles, the annual fee shall be \$460.00.

Mr. Robertson moved that Amendment No. 17 be tabled, which motion prevailed by the following vote:

Ayes	43
Noes	35
Present and not voting	3

Representatives voting aye were: Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Burnett, Byrd, Carter, Chiles, Davidson, Davis (Hamilton), Duncan, Harrill, Henry (Blount), Henry (Roane), Johnson, Kelley, King (Washington), Love, McAfee, McKinney, Martin, Murray, Naifeh, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Washington), Scruggs, Shockley, Small, Smith, Starnes, Tanner, Webb, Whitson, Wolfe, Work, Yelton and Mr. Speaker McWherter—43.

Representatives voting no were: Akard, Buck, Clark (Davidson), Cobb, Covington,

Davis (Gibson), Davis (Pickett), DeBerry, Disspayne, Duer, Ellis, Gaia, Gill, Hillis, Hurley, Huskey, Jared, Kent, Kernell, Lashlee, McNally, Murphy (Davidson), Owen, Phillips, Robinson (Hamilton), Severance, Shirley, Spence, Stallings, Sterling, Turner, Wallace, Wheeler, Withers and Wix—35.

Representatives present and not voting were: Dills, Ford and Miller—3.

Mr. Martin moved to amend as follows:

AMENDMENT NO. 18

Amend House Bill No. 882 by adding a new Section which reads as follows:

The provisions of this Act shall not apply to counties with a population of 600,000 by the 1970 or any subsequent Federal Census.

Mr. Robertson moved that Amendment No. 18 be tabled, which motion prevailed by the following vote:

Ayes	58
Noes	29

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Buck, Burnett, Carter, Chiles, Clark (Sumner), Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DePriest, Dills, Duer, Duncan, Ford, Harrill, Henry (Blount), Henry (Roane), Hillis, Hurley, Huskey, Jared, Johnson, Kelley, King (Washington), Lowe, McAfee, McNally, Murray, Naifeh, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shockley, Small, Smith, Stallings, Starnes, Tanner, Webb, Wheeler, Whitson, Wix, Wolfe, Yelton and Mr. Speaker McWherter—58.

Representatives voting no were: Brewer, Byrd, Clark (Davidson), Cobb, Covington, DeBerry, Disspayne, Ellis, Gaia, Gill, Hudson, Kent, Kernell, Lashlee, Love, McKinney, Martin, Miller, Moore, Murphy (Davidson), Owen, Robinson (Hamilton), Shirley, Spence, Sterling, Turner, Wallace, Withers and Work—29.

Mr. Rhinehart moved the previous question, which motion prevailed by the following vote:

Ayes	61
Noes	23
Present and not voting	2

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Buck, Burnett, Carter, Chiles, Clark (Sumner), Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DePriest, Dills, Duer, Duncan, Ford, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, King (Washington), Lowe, McAfee, McNally, Miller, Naifeh, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shockley, Small, Smith, Stallings, Starnes, Tanner, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Work, Yelton and Mr. Speaker McWherter—61.

Representatives voting no were: Byrd, Clark (Davidson), Cobb, Covington, DeBerry, Disspayne, Gaia, Gill, Kent, Kernell, Lashlee, McKinney, Martin, Moore, Murphy (Davidson), Murray, Owen, Phillips, Shirley, Spence, Sterling, Turner and Withers—23.

Representatives present and not voting were: Brewer and Ellis—2.

WEDNESDAY, APRIL 29, 1981—41st LEGISLATIVE DAY

Thereupon, House Bill No. 882, as amended, passed its third and final consideration by the following vote:

Ayes	55
Noes	32
Present and not voting	1

Representatives voting aye were: Akard, Baker, Bell (Knox), Bewley, Bivens, Bragg, Buck, Burnett, Chiles, Clark (Sumner), Davis (Gibson), Davis (Hamilton), Davis (Pickett), DePriest, Dills, Duer, Duncan, Ellis, Ford, Harrill, Henry (Blount), Henry (Roane), Hillis, Hurley, Huskey, Jared, Johnson, Jones, Kelley, King (Washington), Lowe, McAfee, Murray, Naifeh, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shockley, Small, Stallings, Starnes, Tanner, Webb, Wheeler, Whitson, Wix, Wolfe, Work, Yelton and Mr. Speaker McWherter—55.

Representatives voting no were: Bell (Wilson), Byrd, Carter, Clark (Davidson), Cobb, Covington, Davidson, DeBerry, Disspayne, Gaia, Gill, Hudson, Kent, Kernell, Lashlee, Love, McKinney, McNally, Martin, Miller, Moore, Murphy (Davidson), Owen, Phillips, Scruggs, Shirley, Smith, Spence, Sterling, Turner, Wallace and Withers—32.

Representative present and not voting was: Brewer—1.

A motion to reconsider was tabled.

Mr. Robertson moved that the House stand in adjournment, which motion failed by the following vote:

Ayes	23
Noes	50

Representatives voting aye were: Akard, Bell (Wilson), Byrd, Clark (Davidson), Cobb, Covington, Davidson, DeBerry, DePriest, Duncan, Gill, Hurley, Jones, Lashlee, McKinney, Murphy (Davidson), Owen, Phillips, Robertson, Shirley, Spence, Withers and Wix—23.

Representatives voting no were: Baker, Bewley, Bivens, Bragg, Buck, Burnett, Chiles, Clark (Sumner), Davis (Gibson), Davis (Hamilton), Davis (Pickett), Dills, Duer, Ford, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Washington), Lowe, McAfee, McNally, Miller, Moore, Murray, Naifeh, Pickering, Richardson, Robinson (Davidson), Scruggs, Severance, Shockley, Small, Smith, Stallings, Starnes, Sterling, Tanner, Wallace, Webb, Wheeler, Whitson, Wolfe and Mr. Speaker McWherter—50.

House Bill No. 1062—To regulate certain practices, insurance.

Mr. McNally moved that House Bill No. 1062 be passed on third and final consideration.

Mr. Murray moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 1062 by striking the words “within such time then until the transcript of the record in the proceedings has been filed” from Section 10 (b) starting in line 6 of said Section 10 (b).

On motion, the amendment was adopted.

Mr. Murray moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 1062 by inserting the words:

“except automobile physical damage insurance” in Section 7 (a) (2) between the words “such property” and “or an extension”.

On motion, the amendment was adopted.

Mr. Severance moved to amend as follows:

AMENDMENT NO. 3

Amend House Bill No. 1062 by deleting in its entirety subsection 11 of Section 5 thereof and by substituting in lieu thereof the following:

“(11) FAILURE TO PRESERVE NONFORFEITURE BENEFITS. With respect to any policy of life insurance issued after June 30, 1981, in a replacement transaction, as such term has been defined by the Commissioner:

(A) In the case of any insurer, issuing any such policy pursuant to application therefor taken prior to the expiration of twenty (20) days from the mailing of notice of the proposed replacement by or on behalf of the replacing insurer to the existing insurer, by certified or registered mail, along with a copy of a completed comparison statement and a copy of any sales proposal made or proposed to be made in connection with such replacement; provided, however, this paragraph shall not apply to any transaction in which an insurer replaces any policy on which it is at risk by reason of having issued such policy or reinsured such policy is a bulk reinsurance transaction; or

(B) In the case of a life insurance agent, taking an application for life insurance prior to the expiration of twenty (20) days from the mailing of notice of the proposed replacement by or on behalf of the replacing insurer to the existing insurer, by certified or registered mail, along with a copy of a completed comparison statement and a copy of any sales proposal made or proposed to be made in connection with such replacement; provided, however, this paragraph shall not apply to any transaction in which an insurer replaces any policy on which it is at risk by reason of having issued such policy or reinsured such policy in a bulk reinsurance transaction.”

On motion, the amendment was adopted.

Thereupon, House Bill No. 1062, as amended, passed its third and final consideration by the following vote:

Ayes	82
Noes	3

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Sumner), Cobb, Covington, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DePriest, Dills, Dispayne, Duer, Duncan, Ellis, Ford, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, Lowe, McAfee, Martin, Miller, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson),

WEDNESDAY, APRIL 29, 1981—41st LEGISLATIVE DAY

Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Work, Yelton and Mr. Speaker McWherter—82.

Representatives voting no were: DeBerry, Jones and McKinney—3.

A motion to reconsider was tabled.

House Bill No. 41—To increase awards for approved employee suggestions.

On motion, House Bill No. 41 was made to conform with Senate Bill No. 169.

On motion, Senate Bill No. 169, on same subject, was substituted for House Bill No. 41.

Mr. Bragg moved that Senate Bill No. 169 be passed on third and final consideration.

Mr. Bragg moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 169 by inserting the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION— The provisions of this act shall only apply to suggestions submitted to the Employee Suggestion Award Board after July 1, 1981, and shall not apply to any suggestions presently pending before the Board.

AND FURTHER AMEND by deleting the effective date section in its entirety and by substituting instead the following:

This act shall take effect on July 1, 1981, the public welfare requiring it.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 169, as amended, passed its third and final consideration by the following vote:

Ayes	83
Noes	1
Present and not voting	1

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kernell, King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Miller, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Work, Yelton and Mr. Speaker McWherter—83.

Representative voting no was: Kent—1.

Representative present and not voting was: Crain—1.

A motion to reconsider was tabled.

SECOND ROLL CALL

The roll call was taken with the following results:

Present 88

Representatives present were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Work and Mr. Speaker McWherter—88.

INTRODUCTION OF RESOLUTION

House Joint Resolution No. 208—Relative to honoring Holston High boy's basketball team—By Smith, Miller, Scruggs, Owen, Bell (Knox), Severance and Hudson.

Under the rules, House Joint Resolution No. 208 was referred to the Committee on Calendar and Rules.

INTRODUCTION OF BILL

House Bill No. 1318—To amend charter, Clarksville—By Pickering and Ussery.

Passed first consideration.

STANDING COMMITTEE REPORT

JUDICIARY

MR. SPEAKER: Your Committee on begs leave to report that we have carefully considered and recommend for passage: House Bills Nos. 634 (with amendment), 684 and 861 (with amendment).

MURPHY (Shelby), *Chairman*.

Under the rules, House Bills Nos. 634, 684 and 861 were transmitted to the Committee on Calendar and Rules.

REPORT OF COMMITTEE ON CALENDAR AND RULES

MR. SPEAKER: Your Committee on Calendar and Rules begs leave to report that we have met and set the following bills on the Calendar for Thursday, April 30, 1981: House Bills Nos. 909, 1226, 1124, 707, 1147, Senate Joint Resolution No. 44, House Bills Nos. 1242, 576, 234, 55, 597 and 656.

GILL, *Chairman*.

ENGROSSED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined

WEDNESDAY, APRIL 29, 1981—41st LEGISLATIVE DAY

House Bills Nos. 963, 970, 971 and 1032; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.

475—To amend Section 45-2-618, Code;

1095—To regulate recall elections, municipalities; both substituted for Senate Bills on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE GOVERNOR

MR. SPEAKER:

I am directed by the Governor to return herewith: House Bill No. 1284; and House Joint Resolutions Nos. 110, 168, 169, 170, 172, 173, 177, 179, 180, 181, 183, 184, 186 and 201 with his approval.

JULIA GIBBONS,
Counsel to the Governor.

ENGROSSED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 1003, 1057 and 1181; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.

833—To regulate sale, state surplus property;

1101—To amend Section 2-5-208, Code;

1290—To amend Charter, Lewisburg; all substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos:

436—To amend Title 43, Chapter 21, Code;

829—To amend Title 7, Code;

874—To amend Section 4-3-5002 and 4-3-5003 and 4-3-5004, Code;

993—To amend Title 62, Chapter 25, Code;

1048—To amend Title 52, Chapter 2, Code;

1240—To delete Section 2, Chapter 29, Public Acts, 1981; all substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolution No.

196—Relative to honoring Viet Nam veterans; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.

557—To amend Title 64, Chapter 19, Code; substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.

542—To allow sheriffs to enforce ordinances, certain municipalities;

1291—To amend Chapter 274, Private Acts, 1959;

1298—To make certain provisions, courts, Monroe County; all substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.

1037—To amend Consumer Protection Act; substituted for Senate Bill on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos.

191—To amend Title 6, Chapter 51, Code;

712—To amend Section 45-2-1405, Code;

824—To amend Title 39, Code;

987—To increase gasoline tax;

1016—To amend Section 12-4-110, Code;

1043—To clarify definition "Project", industrial development corporations;

1265—To regulate "Business Tax Act", certain counties; all passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

SPONSORS ADDED

Without objection, the rules were suspended to allow the following members to add their names as sponsors to the bills as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 864—Kent

House Bill No. 1062—Rhinehart

HOUSE BILLS ON SECOND CONSIDERATION

House Bill No. 1316—To increase litigation tax, Van Buren County.

Passed second consideration and held without reference.

House Bill No. 1317—To repeal Chapter 834, Private Acts, 1933.

Passed second consideration and held without reference.

LOCAL BILLS TRANSMITTED TO CALENDAR AND RULES

In accordance with Rule No. 47, the following local bills, having received authorization for passage by the local legislative delegation, were transmitted to the Committee on Calendar and Rules: House Bills Nos. 1316 and 1317.

ENGROSSED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 882 and 1062; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

On motion of Mr. Burnett, the House adjourned until 10:00 a.m. tomorrow.